

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

**Wednesday, June 18, 2014
6:00 p.m.
Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Members Present: Vice Chair Paxton Guyman, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Janet Janke, Joseph Demma

Excused: Chair Gordon Walker, Commissioner Jeremy Lapin

Staff Present: Community and Economic Development Director Brian Berndt, City Planner Glen Goins, Associate Planner Mike Johnson, City Attorney Shane Topham

Others Present: Gray Smith, Cynthia Smith, Wayne Winsor, Valerie Johnson, Adam Baloch, Renee Maxfield, Wes Cannegieter, Susan Despain, Lowell Lyon, Linda Lyon, Gary McGee, Jill McGee, Jerr Wade, Andrea Wade, Delwyn Manuel, Dade Rose, Pamela Palmer, Guy Larson, Randy Long, Marg Erkelers, Mitch Erkelers, Kathleen Riebe, David O'Neill, Leigh Ann McCann, Dale Aiken

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Vice Chair Guymon welcomed those attending and called the meeting to order at 6:00 p.m.

2.0 CITIZEN COMMENTS

There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #CUP 14-002) Public comment on a request from Reagan Outdoor Advertising for conditional use approval to replace the north-facing side of the billboard located at 6719 South Wasatch Boulevard with an electronic display sign (digital billboard) and operate the electronic display at the same location

Associate Planner, Mike Johnson, presented the staff report and stated that the request is from Reagan Outdoor Advertising for conditional use approval to replace the north-facing side of the billboard located at 6719 South Wasatch Boulevard. The conditional use approval stipulates that substantial completion must occur within one year from the date of approval, which in this case did not occur. He confirmed that nothing has changed.

Leslie VanFrank, representing Reagan Outdoor Advertising, stated that the request tonight is for renewal of the application.

Nancy Hardy is of the opinion that this billboard is too close to the recently approved 7-eleven billboard.

Mr. Johnson confirmed that the required distance between two electronic signs is 800 linear feet.

Kathleen Moody questions the benefit of the electronic billboard to the community

Commissioner Bolyard stated that Cottonwood Heights took a proactive stance on this issue. There was pressure from the industry to allow conversions of existing billboards to the new digital billboards. The City was spearheaded by the Mayor and City Attorney to work with the industry to establish a balance between the industry and local government of the billboard conversions.

Larry Lion stated that they could use LED lights to shine down on the existing billboard, rather than a fully illuminated digital board.

There were no further public comments. The public hearing was closed.

3.2 (Project #PUD-14-001) Public Comment on a request from Richard Cook, for a conditional use permit and site plan approval for the Giverny PUD located at 9160 S Wasatch Boulevard

Senior Planner, Glen Goins, described the proposed request for a conditional use permit for the Giverny PUD located at 9160 South Wasatch Boulevard and stated that it is 45 acres in size. The PUD requirements were discussed. Cottonwood Heights City Code does not allow a density increase over and above what is allowed by the underlying zone. 169 lots are proposed with a density of 3.8 units per acre. Plat details were presented. The proposal is to embellish the easement with a trail area opening up to a public view corridor along the western boundary. Road sections, as well as all other engineering on the project, are being considered by the City Engineer and need to be to City standards. The General Plan encourages open space subdivision design. Staff recommends approval subject to the conditions set forth in the staff report.

The applicant, Richard Cook, presented photos detailing the property of the proposed project.

Mr. Goins stated that a portion of the property lies within the Sensitive Lands Overlay Zone, which particularly affects the western edge. For density calculations there is a lot coverage limitation of 30% and a height limitation for properties within that of 30 feet. The Architectural Review Committee (ARC) recommended approval with conditions listed in the staff report.

Commissioner Jones stated that all roads within the property egress onto Wasatch Boulevard. He questioned if there has been a traffic study done.

City Engineer, Brad Gilson, confirmed that they have requested an updated traffic study.

With regard to roadways, Mr. Gilson stated that a PUD departs from the City standard for cross-section of a roadway. Part of the roadway is the curb and gutter, park strip, and sidewalk. This is a private PUD and parking will be enforced by the development.

Commissioner Janke raised a question regarding distance between the units.

Mr. Goins stated that the setbacks are 15 feet for the front yard, 18 feet for the garage, five feet for the side yard, and 15 feet for the rear yard.

Dave Jenkins, from Ensign Engineering, stated that they are proposing a modified two-foot curb and gutter. The asphalt width is the same as if it were a public street. Plan details were reviewed.

Vice Chair Guymon confirmed that the proposal is for approximately 80 units less than what the density allows.

Mr. Cook stated that the number of 169 units was reached to design an aesthetically appealing community and to position an amenity package in the center of the project. Surrounding properties were detailed. It is the developer's intent to use the PUD and the ordinance given, representing the conditional use, to create innovative, detached residential development. The project will contain four home districts. Each was presented. The entire community will be within a master plan Giverny PUD and subject to the Masters Giverny Homeowners Association subject to the blanket Giverny CCR's. Visual neighborhood and home designs were presented.

Mr. Goins stated that he received several public comments which were prepared in packet form. This is a phase project with two proposed phases.

Vice Chair Guymon opened the meeting to public comment.

Kathleen Moody raised a question regarding green space. She asked if the unbuildable parcels are considered such. She is of the opinion that a single access does not seem adequate for the entire project.

Mr. Goins stated that the restriction for open spaces is the area that lies within sensitive lands. The developer can use 30% of the area within the sensitive lands designation. The rest of the area is allowed to be requested for open space.

Richard Ravenaugh raised concern regarding the property only containing one ingress and egress.

Grey Smith believes it is unacceptable and unethical for a property owner or developer to maximize their property value at the expense of adjacent and existing property owners. He is of the opinion that the proposal would reduce surrounding property value, quality of life, personal safety, and community safety. Traffic is a concern. Having conducted his own traffic count and in two hours thirty-five minutes he reported that 3,035 cars passed their right-of-way. Mr. Smith stated that the developer has proposed moving their right-of-way easement that would place the primary road servicing 169 homes five feet from their property line. An adequate buffer zone is also a concern.

Wayne Winsor, Maintenance Manager for Metropolitan Water District of Salt Lake, asked that before moving anything forward that there be a condition to resolve the common property line before approval.

Commissioner Peters questioned the extent of the dispute.

Mr. Winsor stated some maps show several property lines between five to 10 feet of property lines are in question.

Jordan Schwitzer is of the opinion that the open space is not buildable or of value. He is opposed to the access of the proposal. Water pressure is also a concern.

City Attorney, Shane Topham, discouraged public clamor or expression of emotion during the meeting.

Carrie Cook, a prospective Giverny homeowner, is in favor of the proposed project and believes it would be an asset to the community.

Lowell Lion discussed ingress and egress to the proposed neighborhood.

Mary Erkelins is not opposed to new construction, but expressed opposition to the density of the new project. Water pressure and the addition of new homes on their existing water line are of concern.

Jeff Wade expressed concern regarding enforcement of the project being completed the way it is represented.

Randy Long expressed opposition to the proposed project.

Kevin Handy stated that he believes Wasatch Drive is a Salt Lake County road. He asked about the County's involvement regarding the turn lane.

Steve Gill, a Greenhills Drive resident, stated that a linear park is a right-of-way that cannot be built on. He recommends interconnecting the proposed trail with surrounding trails.

Renee Maxwell expressed concern with the proposed project and the interference with existing neighborhoods.

Susan Despain stated that her family has owned the property for over 100 years and has known the developer for many years. She appreciates that the developer is proposing 169 units, when they could have potentially asked for 243. She is of the opinion that the development is an enhancement and will continue to live and own property surrounding the proposed development.

Gary McGee submitted a prepared statement. Regardless of the zoning, he is of the opinion that the proposed density is too great. He wishes to have an additional buffer in place to protect his home. An alternate plan for roads and other impacts to surrounding neighbors was recommended.

Jill McGee is opposed to the Giverny project in its entirety. She questions the financial responsibility of the widening of Wasatch Boulevard. An eight-foot block wall and additional buffering is requested.

Jim Williams is of the opinion that this project is the best proposal for the property he has seen so far.

Tim LaPoint stated the problem is not with the Giverny project per se but with Wasatch Boulevard. Traffic concerns were detailed.

Vice Chair Guymon recommended the public hearing remain open due to the amount of concern regarding traffic. The possibility of continuing the public hearing to August 6 was discussed.

Mr. McGee clarified that the zoning for his property is R-1-21. He also questions the setbacks applying to all properties.

Commissioner Peters raised a question regarding public access with the last phase being gated with private access.

Mr. Cook stated that the main parkway would be open to the public. Traffic calming gates throughout the project were detailed. The Monet Phase would be private and gated to ensure security for residents. It

would also be regulated through the PUD. Maintenance of the streets would be the financial responsibility of the developers.

Motion: Commissioner Demma moved to continue the public hearing to the Wednesday, August 6, 2014. The motion was seconded by Commissioner Jones. Vote on motion: Janet Janke-Aye, Joseph Demma-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously.

The Commission took a five-minute break.

3.3 (Project #ZTA 14-002) Public comment on proposed amendment to Chapter 19.78 Planned Unit Development to update certain portions, including a provision for attached housing

Motion: Commissioner Janke moved to postpone the proposed amendment to Chapter 19.78 Planned Unit Development to update certain portions, including a provision for attached housing until the date specified as August 6, 2014. Commissioner Demma seconded the motion. Vote on motion: Janet Janke-Aye, Joseph Demma-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously.

4.0 ACTION ITEMS

4.1 (Project #CUP 14-003) Action on a request from Adam Baloch, for a conditional use permit and site plan approval to develop and operate a restaurant (Cottonwood Café) at 7146 S Highland Drive

Associate Planner, Mike Johnson, presented Project #CUP 14-003 as detailed in the staff report.

Motion: Commissioner Demma moved to approve Project #CUP 14-003 a request for a conditional use permit and site plan approval to develop and operate a restaurant (Cottonwood Café) at 7146 South Highland Drive subject to the following:

Conditions:

- 1. The applicant shall continually adhere to all applicable laws, ordinances and regulations pertaining to this use.***
- 2. The building and site shall be constructed as shown on the approved plan sets.***
- 3. All technical corrections to the construction documents shall be made as directed by staff.***
- 4. The applicant shall implement all conditions imposed by the Architectural Review Commission.***
- 5. For safety purposes, a parking lot lighting analysis shall be conducted and the recommended number of lights shall be installed in the parking lot area.***

6. *Provide documentation of a lease or shared parking agreement for the use of at least three (3) parking stalls on the adjacent property to the south.*
7. *The raised median on the access driveway shall be removed.*
8. *A bond shall be posted in an amount to cover all site improvements following city standards and procedures.*
9. *All additional requirements found within this staff report shall be considered conditions of approval.*

The motion was seconded by Commissioner Demma. Vote on motion: Janet Janke-Aye, Joseph Demma-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously on a voice vote.

4.2 (Project #ZMA 13-006) Action on a request from Christian and Shellee Neff, for a general plan amendment from Low Density Residential to Medium Density Residential and approval of a zone change and zoning map amendment from R-1-8 to R-2-8 on approximately 1.49 acres of property located at 8595-8959 Wasatch Boulevard

Mr. Goins presented Project #ZMA 13-006 as detailed in the staff report. He reported that the applicant was not present. He confirmed that utilities have been installed and stubbed to the existing lots. The applicant proposes to double the density to allow attached units for each lot. The request constitutes a General Plan change. Mr. Goins stated that Russell Park Drive residents expressed concern with congestion and the devaluation of existing properties. Ingress and egress to the proposed property was detailed. He clarified that the request is for an approved subdivision and does not affect Wasatch Road improvements. This is for approval of buildable lots and there are significant grading issues with the property.

Vice Chair Guymon reiterated a comment made by a citizen who did not believe she received public notice for the prior public hearing and that her neighbors indicated they too did not receive notice and would have attended if they had. He confirmed that due to the attendance at the previously held public hearing, he is certain notice was sent out.

Motion: Commissioner Bolyard moved to deny recommendation of Project #ZMA 13-006 to the City Council. Commissioner Demma seconded the motion. Vote on motion: Janet Janke-Aye, Joseph Demma-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously.

Mr. Goins stated there will be another opportunity for public comment when this item comes before the City Council.

4.3 (Project #CUP-14-002) Action on a request from Reagan Outdoor Advertising for conditional use approval to replace the north-facing side of the billboard located at 6719 South Wasatch Boulevard with an electronic display sign (digital billboard) and operate the electronic display at the same location

Vice Chair Guymon reviewed the proposed request for Project #CUP-14-002 as detailed in the staff report.

Motion: Commissioner Peters moved to approve Project #CUP-14-002 action on a request from Reagan Outdoor Advertising for conditional use approval to replace the north-facing side of the billboard located at 6719 South Wasatch Boulevard with an electronic display sign (digital billboard) and operate the electronic display at the same location based on the following:

- 1. No OPEDS may be larger in width, height or display/signable area than the off-premise sign from which it was converted.*
- 2. The text, images and graphics on an OPEDS shall be static and complete within themselves, without continuation in content to the next images or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.*
- 3. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection (19.82.123.D.3) shall be the method (in terms of letter size and other quantifiable physical attribute(s) used to convey a message on an OPEDS rather than the content of such message.*
- 4. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate OPEDS, including those sharing the same support structure.*
- 5. OPEDS shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, and changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination.*
- 6. The dwell time for each message on an OPEDS shall be at least eight (8) seconds, such that each message shall be illuminated and static for at least eight (8) seconds before transitioning to a new static display.*
- 7. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding 0.25 second.*
- 8. Every OPEDS shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section (19.82.123).*
- 9. OPEDS shall comply with the following illuminance requirements:*
 - a. No OPEDS shall cause illuminance in excess of three-tenths (0.3) foot candle above ambient light as measured perpendicular to the OPEDS' electronic sign face at the distance in feet calculated by taking the square root of the product of the following:*
 - i. The area of the OPEDS' electronic sign face measured in square feet.*
 - ii. 100. For example, if the OPEDS' electronic sign face measures 14' x 48', then the illuminance cause by such use could not exceed three-tenths (0.3) foot candle above ambient light at a perpendicular distance of 259 feet from the OPEDS' sign face.*

- b. Every OPEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in direct correlation with natural ambient light conditions at all times.*

10.

- a. An otherwise compliant OPEDS may not be illuminated, lit or operated between 11:00 p.m. and 6:00 a.m. if it is located within 600 feet of any property zoned or occupied for a residential use unless the owner or operator of the OPEDS establishes, in the conditional use approval process that at least one of the following conditions will exist:
 - i. The illumination caused by the OPEDS does not exceed one-tenth (0.1) foot candle onto any property zoned or occupied for a residential use.*
 - ii. The illumination caused by the OPEDS does not exceed the illumination caused by the predecessor (non-OPEDS) sign as of 23 May 2012, and that the text, images and graphics of the OPEDS will remain static between 11:00 p.m. and 6:00 a.m.**
- b. The conditions in subsections (a)(i) and (a)(ii), above, are not applicable to the extent that the message is an emergency public safety warning or alert, such as an "Amber Alert."*
- c. Continuous compliance with the illumination limits of subpart (10)(a), above, shall be a condition of approval of any OPEDS located within 600 feet of any property zoned or occupied for residential use.*

11. OPEDS may not be located within 800 linear feet from any other OPEDS; subject to the clarifications applicable to off-premise signs with two or more sign faces.

12. The following certifications are additional conditions of approval or continuation of any OPEDS:

- a. Within ten calendar days after an OPEDS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.*
- b. Based on complaints received, or for any other reasonable cause, the city may from time to time require the owner or operator of an OPEDS to provide, within ten calendar days after receipt of the city's written request, an updated written certification that the sign has been re-tested and has been repaired or modified, as necessary, to comply with the requirements of this section.*
- c. The city also may, at its option, from time to time verify an OPEDS' compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance. If the city reasonably determines that an OPEDS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten*

calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.

- 13. Any OPEDS not conforming to the requirements of this section is prohibited.*
- 14. Regardless of distance to the nearest property zoned or used for residential purposes, the proposed OPEDS sign shall be limited to one advertisement and turn down the lights from 11:00 p.m. to 6:00 p.m.*
- 15. Including all items in the staff report.*

Commissioner Jones seconded the motion. Vote on motion: Janet Janke-Aye, Joseph Demma-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously.

Commissioner Janke raised the issue of optional lighting being hung above existing billboards in lieu of digital displays.

Commissioner Bolyard stated the digital signs are very directional and would have less effect to have digital lighting than being front lighted. The current ordinance is designed to protect not only the city, but citizens as well.

5.0 ADJOURNMENT

Motion: Commissioner Bolyard moved to adjourn. The motion was seconded by Commissioner Jones seconded the motion and passed unanimously on a voice vote.

The Planning Commission meeting adjourned at 8:35 p.m.

Minutes approved: 07/02/2014